

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY, OHIO, MET IN REGULAR SESSION ON MAY 27, 2009, WITH THE FOLLOWING MEMBERS PRESENT: EDWIN H. HUMPHREY, PRESIDENT, ROBERT L. PROUD, VICE PRESIDENT, AND R. SCOTT CROSWELL III, MEMBER. THE MEETING WAS CALLED TO ORDER SHORTLY AFTER 1:00 P.M. BY THE PRESIDENT OF THE BOARD WITH THE PLEDGE OF ALLEGIANCE TO OUR FLAG.

IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 94-09/PAYMENT OF BILLS...ADOPTED

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation that the Board of County Commissioners adopt Resolution Number **94-09** resolving to approve payment to vendors listed on the General Ledger Distribution Report(s) presented by the County Auditor 05/26/09 in the revised total amount of \$3,272,467.80 and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 95-09/PAYMENT OF BILLS...ADOPTED

Moved by Mr. Proud, seconded by Mr. Humphrey, that the Board of County Commissioners approve the following recommendation:

Recommendation that the Board of County Commissioners adopt Resolution Number **95-09** resolving to approve payment to vendors included on the General Ledger Distribution Report(s) presented by the County Auditor 05/26/09 as reflected in the General Ledger Distribution Excerpt Report in the amount of \$13,500.00, and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Humphrey, Aye; Mr. Croswell, Abstained.

IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 96-09/PAYMENT OF BILLS...ADOPTED

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation that the Board of County Commissioners adopt Resolution Number **96-09** resolving to approve payment to vendors included on the General Ledger Distribution Report(s) presented by the County Auditor 05/26/09 as reflected in the General Ledger Distribution Excerpt Report in the amount of \$270.00, and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Abstained.

**IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...
AMENDMENT TO THE CONTRACT FOR PROFESSIONAL SERVICES
WITH BBC&M ENGINEERING, INC. FOR PROJECT NUMBER 651-
0341 RELATIVE TO THE O'BANNON UNSEWERED-SR 28 SEWER
ASSESSMENT PROJECT LOCATED WITHIN GOSHEN
TOWNSHIP...08-0825-004...EXECUTED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Chris Rowland, P.E., Project Manager, with the concurrence of Lyle G. Bloom, P.E., Sanitary Engineer, Clermont County Water Resources Department, to execute an Amendment to the Contract for Professional Services by and between the County of Clermont, Ohio, and BBC&M Engineering, Inc., 11699 Chesterdale Road, Cincinnati, Ohio 45246-3917, previously ratified by the Board of County Commissioners on 09/03/08, for the provision of additional granular backfill testing and placement observation for Project Number 651-0341 relative to the O'Bannon Unsewered-SR 28 Sewer Assessment Project located within Goshen Township, which represents an increase in the amount of \$33,513.75, for a total revised contract amount of \$102,718.75, with all other terms and conditions of the original Contract to remain in full force and effect.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

**IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...AWARD
OF BID FOR PROJECT NUMBER 651-0033 RELATIVE TO THE
EDWILLA LIFT STATION ELIMINATION AND AUDUBON LIFT
STATION IMPROVEMENTS PROJECT LOCATED WITHIN UNION
TOWNSHIP AND EXECUTION OF CONTRACT RELATIVE
THERETO...09-0306-005...RATIFIED**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Jeff Goetz, Project Manager, with the concurrence of Lyle G. Bloom P.E., Sanitary Engineer, Clermont County Water Resources Department, to award the bid for Project Number 651-0033 relative to the Edwilla Lift Station Elimination and Audubon Lift Station Improvements Project located in Union Township, pursuant to the plans and specifications therefore, to Charles H. Hamilton Company, 5875 South State Route 48, Post Office Box 99, Maineville, Ohio 45039, for their lowest and best bid received therefore on 04/16/09, at the item prices as outlined therein, for a total amount not to exceed \$419,175.50 and to execute the Contract relative thereto, pursuant to and in compliance with the terms and conditions set forth therein and the award of bid therefore.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

**IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...
ACCEPTANCE OF THE MECHANICAL/H.V.A.C. CONTRACT WITH
TRITON SERVICES, INC. FOR PROJECT NUMBER 621/651-0016
RELATIVE TO THE CLERMONT COUNTY SEWER DISTRICT
ADMINISTRATION BUILDING PROJECT LOCATED WITHIN
BATAVIA TOWNSHIP AS COMPLETE AND APPROVAL OF THE
ESTIMATE FOR PARTIAL PAYMENT NUMBER 6, FINAL, FOR THE
RELEASE OF RETAINAGE RELATIVE THERETO...07-0924-**

002...RATIFIED

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Sukie Scheetz, Director, Office of Management and Budget, with the concurrence of Lyle G. Bloom, P.E., Sanitary Engineer, Clermont County Water Resources Department, to accept the Mechanical /H.V.A.C. Contract (Contract Number 621/651-00163) by and between the County of Clermont, Ohio, and Triton Services Inc., 8162 Duke Boulevard, Mason, Ohio 45040 for Project Number 621/651-0016 relative to the Clermont County Sewer District Administration Building Project located within Batavia Township as Complete as of 08/22/08 and to authorize the execution of the Certificate of Substantial Completion and Guaranty therefore and to approve the Estimate for Partial Payment Number 6, Final, which represents a release of retainage in the principal amount of \$8,297.60, plus accrued interest earned thereon relative thereto, payable in the form of four (4) separate checks to Triton Services, Inc., and/or various subcontractors as detailed below:

Contractor and/or Subcontractor	Work Description	Retainage Amount
Triton Services, Inc 8162 Duke Boulevard Mason, Ohio 45040	Prime Contractor	\$3,000.60 (plus accrued interest)
Triton Services, Inc 8162 Duke Boulevard Mason, Ohio 45040 and Air Solutions, Inc. 9471 Sutton Place Hamilton, Ohio 45011	Test & Balance	\$152.00
Triton Services, Inc 8162 Duke Boulevard Mason, Ohio 45040 and ASA Controls, Inc. 8011 Main Street Miami town, Ohio 45041	Temp Controls	\$665.00
Triton Services, Inc 8162 Duke Boulevard Mason, Ohio 45040 and Loop Masters International, Inc. 5700 West Minnesota Street Indianapolis, Indiana 46241	Geothermal Loop	\$4,480.00

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

**IN RE: OFFICE OF TECHNOLOGY, COMMUNICATIONS & SECURITY/
FACILITIES MANAGEMENT DEPARTMENT...PUBLICATION OF
LEGAL NOTICE OF INTENT TO SOLICIT REQUEST FOR
PROPOSALS FOR THE INSTALLATION OF ENERGY
CONSERVATION MEASURES FOR THE COUNTY OF CLERMONT,
OHIO...09-0511-004...APPROVED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Wade Grabowski, Director, Facilities Management Department, with the concurrence of David L. Spinney, County Administrator, to approve the request to advertise a notice of intent to solicit request for proposals for the installation of energy conservation measures for the County of Clermont, Ohio, pursuant to and in compliance with Section 307.041(C) (1) (b) of the Ohio Revised Code and further to authorize the Clerk of the Board to

place Legal Notice in the Clermont Sun for two consecutive weeks commencing 06/04/09 stating that the Request for Proposals will be mailed to installers of energy conservation measures on Monday, June 22, 2009, and that any installer of energy conservation measures interested in receiving the request for proposals shall submit written notice to the office of the Board of Clermont County Commissioners, 3rd floor, 101 East Main Street, Batavia, Ohio 45103-2960 no later than 12:00 noon on Monday, June 22, 2009. This notice is also posted on Clermont County’s internet site.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

**IN RE: COUNTY ENGINEER...THE ELMER & EVELYN J. FLICK
SUBDIVISION/UNION TOWNSHIP...RECORD PLAT NUMBER 629-2640
FOR THE REPLAT OF LOT NUMBERS 16 AND 20 WITHIN SAME...09-
0519-001...EXECUTED**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Patrick J. Manger, County Engineer, with the concurrence of David L. Spinney, County Administrator, to execute Record Plat Number **629-2640** for the Replat of Lots in the following Subdivision within Union Township:

Subdivision	Record Plat Number	Reason for Replat
Replat of Lot Numbers 16 and 20 The Elmer & Evelyn J. Flick Subdivision Union Township	629-2640	To create permanent flowage easements.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

**IN RE: COUNTY ENGINEER...PERMANENT EASEMENT HERETOFORE
GRANTED AND CONVEYED TO THE COUNTY OF CLERMONT,
OHIO, RELATIVE TO AICHOLTZ ROAD LOCATED IN UNION
TOWNSHIP...09-0512-002...ACCEPTED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Patrick J. Manger, County Engineer with the concurrence of David L. Spinney, County Administrator, to accept the following Permanent Easement heretofore granted and conveyed to the County of Clermont, Ohio, for roadway purposes as a requirement of Commercial Zoning relative to Aicholtz Road located within Union Township:

Grantor	Parcel Number
Michael D. Strickland & Regina L. Melink 4426 Aicholtz Road Cincinnati, Ohio 45245	41-31-05A-139

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

IN RE: CLERMONT COUNTY JUVENILE COURT...OHIO DEPARTMENT OF YOUTH SERVICES JUVENILE COURT GRANT AGREEMENT AND FUNDING APPLICATION FOR THE RECLAIM OHIO (401) GRANT SUBSIDY AND THE YOUTH SERVICES (510) GRANT SUBSIDY PROGRAMS FOR FISCAL YEARS 2009-2011 FOR SAME...09-0521-004...EXECUTED

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Judge Stephanie Wyler, Clermont County Juvenile Court, with the concurrence of David L. Spinney, County Administrator, to authorize Edwin H. Humphrey, President of the Board of County Commissioners, to execute an Ohio Department of Youth Services Juvenile Court Grant Agreement and Funding Application by and between the Board of Clermont County Commissioners and the State of Ohio, Department of Youth Services, 51 North High Street, Columbus, Ohio 43215 on behalf of the Clermont County Juvenile Court for the Reclaim Ohio (401) Grant Subsidy Program in the amount of \$1,255,320.22 and the Youth Services (510) Grant Subsidy Program in the amount of \$285,069.00, which represents the base and variable allocations for Fiscal Year 2010 (07/01/09-06/30/10), for the biennial period commencing 07/01/09 and ending 06/30/11, pursuant to and in compliance with the terms and conditions set forth therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

IN RE: BOARD OF COUNTY COMMISSIONERS...AUTHORIZATION FOR THE ISSUANCE OF PROCUREMENT CARDS FOR THE CLERMONT COUNTY PROSECUTING ATTORNEY AND EXECUTION OF THE REQUESTS FOR THE ISSUANCE OF PROCUREMENT CARDS RELATIVE THERETO PURSUANT TO THE CLERMONT COUNTY PROCUREMENT CARD POLICY AND PROCEDURES FOR SAME...08-0109-003...APPROVED

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of David L. Spinney, County Administrator, to authorize the issuance of two (2) Procurement Cards for the Clermont County Prosecuting Attorney, one for Donald W. White, Clermont County Prosecuting Attorney and the second for Holly Cruey, Administrator for the Clermont County Prosecuting Attorney, and to authorize the execution of the Requests for the Issuance of a Procurement Card relative thereto, pursuant to the Clermont County Procurement Card Policy and Procedures adopted by the Board of County Commissioners on 06/22/05 and subsequently amended on 03/28/07.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION TO APPROVE THE RECOMMENDATION OF CLERMONT COUNTY'S CONTINUUM OF CARE FOR THE ADMINISTRATION OF THE OHIO DEPARTMENT OF DEVELOPMENT'S HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM FOR THE COUNTY OF CLERMONT, OHIO...09-0522-002...APPROVED

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of David L. Spinney, County Administrator, to approve the recommendation of Clermont County's Continuum of Care for Clermont Counseling Center to serve as Clermont County's Administering Agency for the Ohio Department of Development's Homelessness Prevention and Rapid Re-Housing Program and to transmit a letter to the Ohio Department of Development, Office of Housing and Community Partnerships certifying their approval for Clermont Counseling Center to apply for and administer the Homelessness Prevention and Rapid Re-Housing Funds in the proposed amount of \$466,900.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

IN RE: BOARD OF COUNTY COMMISSIONERS...REQUEST TO INITIATE PROCEDURES TO VACATE A TEN FOOT (10') WIDE EASEMENT FOR A FIVE FOOT (5') WALKWAY IN BUXTON MEADOWS SUBDIVISION/SECTION E IN BATAVIA TOWNSHIP AND PUBLICATION OF LEGAL NOTICE RELATIVE TO THE VIEWING AND FINAL HEARING THEREON...09-0424-007...APPROVED

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation to approve a request to initiate procedures to vacate a ten foot (10') wide easement for a five foot (5') walkway in Buxton Meadows Subdivision/Section E in Batavia Township, Clermont County, Ohio, as set forth in the Petition for the Vacation of a 10' Wide Walkway Easement submitted by Patrick Claypool, 3923 Greentree Terrace, Amelia, Ohio 45102 pursuant to Section 5553.04 of the Ohio Revised Code and further resolve to authorize the Clerk of the Board to place Legal Notice in the Clermont Sun for two consecutive weeks commencing Thursday, May 28, 2009, designating the date and time of the Viewing and the date, time, and location of the Final Hearing for the proposed vacation thereon pursuant to Section 5553.05 of the Ohio Revised Code. The Viewing and Final Hearing on the Proposed Vacation of a Ten Foot (10') Wide Easement for a Five Foot (5') Walkway in Buxton Meadows Subdivision/Section E in Batavia Township to be held on **Monday, June 22, 2009**, with the Viewing at **11:00 A.M.** Local Time and the Final Hearing at **7:00 P.M.** Local Time in the Office of the Board of County Commissioners, Clermont County, Ohio, 101 East Main Street, Batavia, Ohio 45103-2960.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

IN RE: BOARD OF COUNTY COMMISSIONERS...FINANCIAL/BUDGETARY ACTIONS FOR FISCAL YEAR 2009...APPROVED

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of the Office of Management and Budget, with the concurrence of David L. Spinney, County Administrator, to approve financial/budgetary actions as they relate to changes in the Annual Appropriation Resolution for Fiscal Year 2009 (Resolution Number 194-08) and/or interfund transactions as outlined in the following table(s) and to authorize Linda Fraley, County Auditor, to properly record same:

SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009:

\$	5,200.00	Special Emergency Planning Fund	933-9990-5300	Purchased Services
\$	800.00	Special Emergency Planning Fund	933-9990-5700	Materials & Supplies

CASH TRANSFER OF FUNDS:

\$	7,700.00	From General Fund 100-1308-7220-0227 to Soil & Water Conservation Fund 227-0227-4811-0670		
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ADVANCE OF FUNDS:

\$	38,575.00	From Sewer Revenue Fund 602-8530-7242-0531 to North Afton Sewer Assessment Fund 531-0531-4967		
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Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: TRAINING AND TRAVEL REQUESTS...REIMBURSEMENT OF EXPENSES RELATIVE TO SAME...APPROVED

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of David L. Spinney, County Administrator, to approve the following requests for reimbursement of expenses for training and travel pursuant to the policies and procedures of the Board and in compliance with the Annual Appropriations for Fiscal Year 2009 and any and all amendments subsequent thereto:

CLERMONT COUNTY WATER RESOURCE DEPARTMENT

Carole Schulze, Connie Miller and Judy L. Myers: One (1) day – Cincinnati, Ohio – National Seminars Training Course entitled “Business Grammar & Proofreading” – Total expenses not to exceed \$597.00.

Jim Pindell and Ed Weigel: One (1) day – Xenia, Ohio – Southwest Ohio Water Environment Association Operations and Maintenance Technical Seminar – Total expenses not to exceed \$20.00.

DEPARTMENT OF JOB AND FAMILY SERVICES

Tim McCartney: Three (3) days – Columbus, Ohio – Ohio Job and Family Services Directors’ Association 2009 Annual Conference – Total expenses not to exceed \$790.91.

Crystal Patrick, Suzanne Embry, Melanie Meece and Brad Kidwell: Two (2) days – Columbus, Ohio – Ohio Job and Family Services Directors’ Association 2009 Annual Conference – Total expenses not to exceed \$2,048.53.

COUNTY SHERIFF

Darrin Stallworth, Bill Hogue, Daren Wilson and Melissa Schmees: One (1) day – Cincinnati, Ohio – National Sheriff’s Association Jail Evacuation Course AWR-183 – Total expenses not to exceed \$0.00.

PROSECUTING ATTORNEY

Mary Lynne Birck: Two (2) days – New York, New York – Deposition for Larry Smith Contractors, Inc. vs. Board of County Commissioners of Clermont County, Ohio – Total expenses not to exceed \$1,196.13. *(revised/previously approved 04/29/09)*

Thomas Blust: One (1) day – Cincinnati, Ohio – National Business Institute Seminar entitled “Construction Defect Litigation: From A to Z” – Total expenses not to exceed \$339.00.

Mary Lynn Birck: One (1) day – Piqua, Ohio – County Commissioners Association of Ohio Seminar entitled “Managing Fiscal Resources and Making Tough Staffing Decisions” – Total expenses not to exceed \$25.00.

CLERMONT COUNTY PUBLIC DEFENDER

Kendra Daugherty, Robert F. Benintendi and R. Daniel Hannon: One (1) day – Mason, Ohio – Twenty-Eighth Annual Twelfth Appellate District Judicial Conference and Appellate Seminar – Total expenses not to exceed \$240.00.

COUNTY TREASURER

J. Robert True and Connie Bare: One (1) day – Cincinnati, Ohio – Clermont Chamber of Commerce Legislative Luncheon – Total expenses not to exceed \$76.00.

COUNTY AUDITOR

Cindy Hawk and Jack Trainor: One (1) day – Columbus, Ohio – Ohio Integrated Assessment System User Conference – Total expenses not to exceed \$130.00.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

IN RE: PERSONNEL ACTION FORM...APPROVED

* THE OFFICIAL RECORD OF PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY, OHIO, RELATIVE TO PERSONNEL ACTIONS IS AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00 A.M. TO 4:30 P.M. LOCAL TIME.

LET THE RECORD SHOW: A MOTION BY MR. PROUD, SECONDED BY MR. CROSWELL, TO GO INTO EXECUTIVE SESSION AT 1:14 P.M. PURSUANT TO SECTION 121.22(G)(3) OF THE OHIO REVISED CODE TO CONFER WITH THE PROSECUTING ATTORNEY REGARDING PENDING LITIGATION, CARRIED WITH ALL MEMBERS VOTING AFFIRMATIVELY THEREON.

LET THE RECORD SHOW: THE EXECUTIVE SESSION CONCLUDED AND REGULAR SESSION RESUMED AT 2:22 P.M. WITH NO ACTION TAKEN.

LET THE RECORD SHOW: That a motion by Mr. Proud, seconded by Mr. Croswell, to approve the minutes of Regular Session of **05/27/09** carried with all members present voting affirmatively thereon.

LET THE RECORD SHOW: That the President of the Board of County Commissioners, noting no further business to come before the commission for legislative action, adjourned this Regular Session at 2:22 P.M.

**BOARD OF COUNTY COMMISSIONERS
CLERMONT COUNTY, OHIO**

**EDWIN H. HUMPHREY, PRESIDENT
ROBERT L. PROUD, VICE PRESIDENT
R. SCOTT CROSWELL III, MEMBER**

JUDITH KOCICA, CLERK OF THE BOARD

DATE APPROVED – 05/27/09